

souri would be eligible for 1-percent loans from both SBA and FHA.

Frankly, I am convinced that the FHA interpretation of the new disaster relief law is arbitrary and contrary to what Congress intended. I have called on the President to take administrative steps to conform the FHA interpretation of the law to that of SBA or, as an alternative, to transfer responsibility for all disaster relief loans to SBA.

Because it is uncertain what action, if any, will be taken by the administration, I am taking this opportunity to introduce an amendment which would deal with the problem legislatively.

Very simply, my amendment would require the FHA to adopt the SBA interpretations of the new law and to make available to qualified applicants in areas hit by disasters prior to April 29, 1973, loans at the old 1-percent interest rate with the \$5,000 forgiveness feature.

I think it is essential that Congress take this step to relieve the deep sense of injustice felt by those in the flooded States who have fallen afoul of this bureaucratic conflict. Congress cannot allow to stand a policy which makes second-class citizens of our farmers.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 18 TO S. 371

At the request of Mr. TOWER, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of amendment No. 18, to S. 371.

NOTICE OF HEARINGS ON S. 1599, S. 1694, AND S. 1723

Mr. MOSS. Mr. President, The Consumer Subcommittee of the Senate Commerce Committee will hold hearings on S. 1599, S. 1694, and S. 1723 on May 21, 29, and 30. The May 29 hearing will be in Chicago, the others in Washington, D.C.

Persons interested in testifying should notify the committee staff in order to reserve time for their appearances.

ADDITIONAL STATEMENTS

LAW AND ORDER FOR THE FBI

Mr. PROXMIRE. Mr. President, events have been moving with great rapidity at the FBI recently. It was just a year ago that J. Edgar Hoover died, and L. Patrick Gray was named to serve as Acting Director. Now, as a result of his connection with the Watergate situation, Mr. Gray has resigned as Acting Director, and Mr. William Ruckelshaus has been named to that post.

The post of FBI Director is subject to Senate confirmation. Mr. Gray's name was not submitted to the Senate until he had been serving as FBI Director for 9½ months. Mr. Ruckelshaus' name has not been submitted, and there is no indication that the President plans to submit it.

Mr. President, the United States Code imposes strict limits on temporary appointments for officials subject to Senate

confirmation. Sections 3345, 3347, and 3348 of title 5, when taken together provide:

When the head of an Executive department or military department dies, resigns, or is sick or absent . . . the President may direct . . . another officer of an Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed . . .

A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346 or 3347 of this title for no more than 30 days.

When J. Edgar Hoover died, Patrick Gray was elevated from his position as Assistant Attorney General for the Civil Division—a position subject to Senate confirmation. His appointment, therefore, fell within sections 3345–3347, and was subject to the 30-day limitation.

I wrote the U.S. Comptroller General about this last year, asking him to determine whether, in his opinion, the 30-day limitation was applicable to the Gray appointment. His finding was clear:

Our opinion is that the service of Mr. Gray as Acting Director of the Federal Bureau of Investigation is subject to the provisions of 5 U.S.C. 3346–3349, and that his continued service in that position is prohibited since he has performed the duties thereof in excess of 30 days.

Mr. President, that was on February 22, 1973. Mr. Gray has since resigned, and Mr. Ruckelshaus has been named to act as FBI Director.

The question naturally arises, is Mr. Ruckelshaus subject to a time limitation also? The answer is unquestionably yes, but it may be either 30 or 40 days, depending on which statute is applicable.

Mr. Ruckelshaus has been detailed to the FBI from his post as Administrator of the Environmental Protection Agency. As such, he has been detailed from a position "whose appointment is vested in the President, by and with the advice and consent of the Senate," as that language is used in 5 U.S.C. 3347. However, since the Environmental Protection Agency is not, in the strict sense, an executive department, it may be that section 3347 would not apply at all to the Ruckelshaus appointment. If that is the case, then Mr. Ruckelshaus' appointment can only be justified as a recess appointment.

The Senate was on its Easter recess at the time the Ruckelshaus designation was announced. Section 5503 of title 5 covers recess appointments. That provides:

(b) A nomination to fill a vacancy [as a recess appointment] . . . shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate.

Mr. President, the Ruckelshaus appointment can be legally justified only under one of these two provisions. Giving the President the benefit of the more liberal statute, Mr. Ruckelshaus can serve temporarily for a maximum of 40 days—and no more—from the date the Senate returned from its Easter recess. This would give the President until June 9, 1973, to either submit Mr. Ruckelshaus'

name to the Senate, or find someone else for the job. Otherwise, Mr. Ruckelshaus' continued service beyond that time will be illegal.

Mr. Ruckelshaus has an excellent reputation. He has demonstrated genuine independence as a courageous, tough-minded environmental administrator.

The process of confirmation, however, will make the Senate a partner in the Ruckelshaus appointment and provide at least some degree of responsibility and authority for his appointment independent of the President.

The country has had enough of illegality and deliberate law flaunting by high officials in the Watergate case. To have any Justice Department investigation of Watergate conducted by an FBI Director who held office illegally would be the final cruel irony.

I have today written President Nixon to make him aware of this. I am confident that he will insure that the FBI Director is in compliance with the law in every respect.

Mr. President, I ask unanimous consent that my letter dated May 9, 1973, to President Nixon be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MAY 9, 1973.

THE PRESIDENT OF THE UNITED STATES,
Washington, D.C.

DEAR MR. PRESIDENT: In connection with your designation of Mr. William Ruckelshaus as Acting Director of the Federal Bureau of Investigation, I wish to call your attention to several sections of the United States Code.

Sections 3345, 3347 and 3348 of Title 5 provide in part:

"When the head of an Executive department or military department dies, resigns, or is sick or absent . . . the President may direct . . . another officer of an Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed. . . .

"A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346 or 3347 of this title for not more than 30 days."

Section 5503 of Title 5 provides:

"(b) A nomination to fill a vacancy/as a recess appointment/. . . shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate."

Under the more liberal of these two provisions—and these are the only two provisions which allow for temporary appointments for officials subject to Senate confirmation—Mr. Ruckelshaus would be permitted to serve on a temporary basis until June 9, 1973 (40 days from the date the Senate returned from its Easter recess). He may serve beyond that date only if his nomination of FBI Director is submitted to the Senate.

In pointing this out, I do not mean to impugn Mr. Ruckelshaus in any way. He has an excellent reputation, and he has demonstrated his ability in serving as a courageous, tough-minded environmental administrator.

However, if Mr. Ruckelshaus is to serve more than 40 days it is essential that he be required to go through the confirmation process. This process will make the Senate a partner in the Ruckelshaus appointment and provide assurance to the public that he is qualified to serve as FBI Director.

I am enclosing a copy of a recent opinion by the U.S. Comptroller General in connec-

tion with Mr. L. Patrick Gray's temporary service as head of the FBI. The Comptroller General held that that service should have been limited to 30 days, and that his service beyond that time was in violation of the United States Code.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

THE CIVILIAN SCIENCE AND TECHNOLOGY ACT OF 1973

Mr. DOMINICK. Mr. President, last week I introduced S. 1686, the Civilian Science and Technology Act of 1973. I did not at that time have the bill printed in the RECORD. However, because of the great interest this legislation has generated, it would be most helpful to do so at this time. Therefore, I ask unanimous consent that the text of S. 1686 be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civilian Science and Technology Policy Act of 1973".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—
(1) Federal funds for science and technology represent an investment in the future, which is indispensable to sustained national progress;

(2) the Nation's scientific and technical resources, including manpower, can contribute significantly to meeting America's human needs in such priority problem areas as health care, poverty, public services, public safety, pollution, economic growth and productivity, housing, education, transportation, nutrition, communications, and energy resources;

(3) Federal funds for civilian research and development activities have grown substantially in recent years;

(4) greater attention should be given to improving the design, execution, and coordination of adequate programs for the application of science and technology to civilian needs;

(5) the national problems described in clause (2) of this section are so complex and interdependent that a single agency within the executive branch of the Government is necessary for the planning, analysis, and development of policies and programs with respect to the application of science and technology to civilian needs and civilian research and development activities priorities;

(6) particular attention ought to be given to the economic, sociological, psychological, legal, administrative, and institutional factors which affect the application of science and technology to civilian needs and the role of the Federal Government in altering these factors; and

(7) strong participation by State and local governments is essential to the successful solution of many civilian problems, and in developing programs for the application of science and technology to civilian needs and to setting civilian research and development activities priorities.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "civilian research and development activities" means all nondefense research and development activities as determined pursuant to regulations of the Director of the Foundation after consultation with

the Director of the Office of Management and Budget.

(2) The term "Council" means the Intergovernmental Science and Technology Advisory Council established under section 201.

(3) Science and technology are employed jointly to indicate the close interaction with regard to programs and policy. Science is defined broadly as the study of physical, biological, social, and individual behavior using scientific method. Technology is the application of scientific knowledge to the solution of problems or meeting of human needs.

(4) The term "the application of science and technology to civilian needs" means research and development activities and the application of new and expanding technology to the solution of problems in the fields of health care, poverty, public services, public safety, pollution, economic growth and productivity, housing, education, transportation, nutrition, communications, and energy resources.

(5) The term "Director" means the Director of the National Science Foundation.

(6) The term "Foundation" means the National Science Foundation.

(7) The term "standard Federal region" means each of the following regions:

(A) Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(B) Region II: the Commonwealth of Puerto Rico, New Jersey, New York, and the Virgin Islands.

(C) Region III: Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

(D) Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

(E) Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

(F) Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(G) Region VII: Iowa, Kansas, Missouri, and Nebraska.

(H) Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

(I) Region IX: Arizona, California, Hawaii, and Nevada.

(J) Region X: Alaska, Idaho, Oregon, and Washington.

(8) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

TITLE I—NATIONAL CIVILIAN SCIENCE AND TECHNOLOGY POLICY AND PRIORITIES

PROGRAMS AUTHORIZED

SEC. 101. (a) In order to strengthen the Nation's capabilities to formulate national science policies and priorities, the National Science Foundation is authorized and directed to—

(1) undertake programs to assess national problems and the potential of science and technology to contribute to the solution of such problems in order to identify priorities for civilian research and development activities;

(2) conduct and support studies and analyses designed to identify and assess alternatives available for the application of science and technology to civilian needs, and, insofar as possible, determine and compare the probable costs, benefits, and impacts of such alternatives;

(3) initiate and maintain a program to collect and analyze information concerning civilian research and development activities carried on by public agencies and private concerns and the application of science and technology to civilian needs; and

(4) make information collected under this subsection available for use in the formulation of policy and the development of research and development activities priorities.

(b) In carrying out activities authorized in this title, the Foundation shall give particular attention to the economic, sociological, psychological, legal, administrative, political, environmental, and institutional factors which affect the application of science and technology to civilian needs, and to the role of the Federal Government in influencing such factors.

CONSULTATION AND COORDINATION

SEC. 102. (a) In carrying out the provisions of this title, the Foundation shall—

(1) Consider the advice of the Intergovernmental Science and Technology Advisory Commission established under title II;

(2) consult with such other individuals and organizations as may be appropriate; and

(3) coordinate its activities under this title with other departments and agencies undertaking or responsible for activities relevant to this title.

(b) Upon the request of the Director of the Foundation, the heads of Federal departments and agencies shall, insofar as practicable, provide the Foundation with information and reports necessary to carry out the provisions of this title.

TITLE II—INTERGOVERNMENTAL SCIENCE AND TECHNOLOGY ADVISORY COUNCIL

ESTABLISHMENT

SEC. 201. (a) There is established in the National Science Foundation an agency to be known as the Intergovernmental Science and Technology Advisory Council.

(b) The Council shall be composed of twenty-two members to be appointed as follows:

(1) Twenty members, two from each of the standard Federal regions, shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director of the Foundation.

(3) The Director of the Office of Technology Assessment.

In making appointments under clause (1) of this subsection, the President is requested to consider the appointment of individuals who, by reason of education, experience, or interest, are especially qualified to serve on the Council.

(c) The term of office of each member of the Council appointed under clause (1) of subsection (b) shall be three years; except that—

(1) the members first taking office shall serve as designated by the President, six for a term of one year, eight for a term of two years, and six for a term of three years; and

(2) any member appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term.

(3) Each appointed member of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from his home or regular place of business he may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

FUNCTIONS OF THE COUNCIL

SEC. 202. (a) The Council shall advise and assist the Foundation in—

(1) identifying and defining civilian problems at the State, regional, and local levels and the environment in which solutions to these problems must be provided;

(2) identifying areas of highest priority for study, assessment, and development of policy alternatives by the Foundation under this title; and